

STATE OF NEW YORK

760

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. SEAWRIGHT, OTIS, QUART, NIOU, GOTTFRIED, GALEF,
L. ROSENTHAL, EPSTEIN, GRIFFIN -- read once and referred to the
Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 1 of the constitution, in relation to
equality of rights and protection against discrimination

Section 1. Resolved (if the Senate concur), That article 1 of the
constitution be amended by adding a new section 19 to read as follows:

§ 19. (a) No person shall be denied equal rights under the laws of
this state or any subdivision thereof based on that person's race,
color, ethnicity, national origin, disability, or sex including pregnan-
cy and pregnancy outcomes, sexual orientation, gender identity, and
gender expression.

(b) No government entity, nor any entity acting in concert with or on
behalf of the government, nor any entity in its provision of public
accommodations, employment, or personnel practices shall discriminate
against any person in either intent or effect based on the character-
istics listed in subdivision (a) of this section.

(c) No government entity, nor any entity acting in concert with or on
behalf of the government, nor any entity in the provision of public
accommodations, employment, or personnel practices shall discriminate
against any person based on that person's religion. In interpreting this
section, the courts shall analyze claims of religious discrimination
under the same analysis and standards applied to claims under section
three of this article.

(d) Nothing in this section shall invalidate or prevent the adoption
of any law, regulation, program, or practice that is designed to remedy
or ameliorate demonstrated past discrimination on the basis of a charac-
teristic listed in this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD89009-01-1

1 (e) This section shall be self-executing. The legislature may expand
2 upon the entitlement to equal rights and freedom from discrimination
3 hereby secured.

4 § 2. Resolved (if the Senate concur), That the foregoing amendment be
5 referred to the first regular legislative session convening after the
6 next succeeding general election of members of the assembly, and, in
7 conformity with section 1 of article 19 of the constitution, be
8 published for three months previous to the time of such election.